

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

BURLINGTON SCHOOL DISTRICT

Plaintiff,

v.

MONSANTO CO., SOLUTIA, INC., and
PHARMACIA LLC

Defendants.

C.A. No. 2:22-CV-215-WKS

STIPULATION REGARDING DISCOVERY

The Parties, by and through their respective counsel, agree and stipulate as follows:

On October 5, 2022, Tracy L. Rubman and James Ellery Baker sued Defendants concerning Ms. Rubman's alleged polychlorinated biphenyl ("PCB") exposure at Burlington High School. *See Tracy L. Rubman, et al. v. Monsanto Company, et al.*, No. 2:22-cv-00181-wks ("*Rubman*"). On December 9, 2022, Plaintiff Burlington School District ("BSD") sued Defendants for alleged property damage caused by PCBs at Burlington High School. Pursuant to a third-party subpoena issued in *Rubman* in November 2022, and first party discovery issued to BSD in the above captioned lawsuit, BSD has produced to Defendants documents and communications concerning, among other things, the design, construction, maintenance, and renovation history of Burlington High School.

Since *Rubman* and the above captioned lawsuit were filed, two additional personal injury lawsuits have been filed against Defendants concerning alleged PCB exposure at Burlington High School. *See Josepha W. Austin, et al. v. Monsanto Company, et al.*, 2:23-cv-272-wks ("*Austin*"); *Sacha Smith, et al. v. Monsanto Company, et al.*, 2:24-cv-0074-gcw ("*Smith*").

The Parties stipulate and agree that all documents and communications produced by BSD to Defendants may be used by all parties in litigating *Rubman*, *Austin*, and *Smith* regardless of whether the documents were produced in BSD's capacity as a third-party subpoena recipient in *Rubman*, or as a plaintiff in this case. The Parties further agree that documents and communications designated by BSD as "CONFIDENTIAL MATERIALS" are governed by the Stipulated Protective Order (Doc. No. 50) regardless of the protective orders in place in *Rubman*, *Austin*, and *Smith*. This Stipulation is designed to relieve BSD of the burden of reproducing documents in related litigation. By making this Stipulation, the Parties do not waive their right to object to the admissibility of any document produced, including but without limitation to, objections based on privilege, authentication, hearsay, the work product doctrine, relevance, or prejudice. This stipulation also does not preclude Defendants from issuing additional subpoenas to BSD to address issues specific to the plaintiffs in *Rubman*, *Austin*, and *Smith*, including but not limited to, attendance records, personnel files, and relevant communications.

Dated: September 5, 2024.

Respectfully submitted,
BURLINGTON SCHOOL DISTRICT

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IT IS SO ORDERED:

Dated: _____, 2024.

Hon. William K. Sessions III
United States District Judge